



Reprinted
April 10, 2007

ENGROSSED HOUSE BILL No. 1274

DIGEST OF HB 1274 (Updated April 9, 2007 3:38 pm - DI 106)

Citations Affected: IC 9-29.

Synopsis: Accident response service fees. Prohibits political subdivisions or local law enforcement agencies of political subdivisions from imposing or collecting an accident response service fee on or from the driver of a motor vehicle or any other person involved in a motor vehicle accident. Requires the superintendent of the state police department to biennially produce a report analyzing the costs associated with operation of a vehicle crash records system as compared to the costs of having a private vendor operate a vehicle crash records system. Permits the superintendent to adopt rules to increase the accident report fee based on the results of the analysis.

Effective: July 1, 2007.

Herrell, Ulmer, Tincher, Noe

(SENATE SPONSORS — BRAY, LEWIS, DROZDA)

January 11, 2007, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 8, 2007, amended, reported — Do Pass.

February 12, 2007, read second time, ordered engrossed.

February 13, 2007, engrossed.

February 15, 2007, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 19, 2007, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

March 29, 2007, amended, reported favorably — Do Pass.

April 9, 2007, read second time, amended, ordered engrossed.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1274

A BILL FOR AN ACT to amend the Indiana Code concerning
motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-29-11-1, AS AMENDED BY P.L.174-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (c), the
4 main department, office, agency, or other person under whose
5 supervision a law enforcement officer carries on the law enforcement
6 officer's duties may charge a fee that is fixed by ordinance of the fiscal
7 body in an amount not less than five dollars (\$5) for each report.

8 (b) The fee collected under subsection (a) or (c) shall be deposited
9 in the following manner:

10 (1) If the department supplying a copy of the accident report is the
11 state police department, in a separate account known as the
12 "accident report account". The account may be expended at the
13 discretion of the state police superintendent for a purpose
14 reasonably related to the keeping of accident reports and records
15 or the prevention of street and highway accidents.

16 (2) If the department supplying a copy of the accident report is the
17 sheriff, county police, or county coroner, in a separate account

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known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.

(c) the superintendent of the state police department, may charge a fee in an amount that is not less than five dollars (\$5) for: (1) each report; and (2) the inspection and copying of other report related data maintained by the department. **The superintendent of the state police department shall biennially tabulate and analyze the costs associated with the state police department maintaining a vehicle crash records system as compared with the costs associated with contracting with a private vendor to provide a vehicle crash records system. The superintendent shall publish the analysis and tabulation in the form of a report. The state police department shall:**

(1) publish the report biennially beginning on January 30, 2008;

(2) provide a copy of the report to the legislative council; and

(3) make the report available to the public.

The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) If, based on the report described in subsection (c), the superintendent determines that the accident report fee must be raised in order to:

(1) maintain or renew a contract providing for a vehicle crash records system; or

(2) enable the department to maintain and staff a vehicle crash records system;

the superintendent may adopt rules under IC 4-22-2 to increase the accident report fee.

SECTION 2. IC 9-29-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 11.5. Accident Response Service Fees

Sec. 1. As used in this chapter, "accident response service fee" means a fee imposed for any of the following:

(1) The response by a local law enforcement agency to a motor vehicle accident.

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(2) The investigation by a local law enforcement agency of a motor vehicle accident.

Sec. 2. As used in this chapter, "local law enforcement agency" means a political subdivision's department or agency whose principal function is the apprehension of criminal offenders.

Sec. 3. A political subdivision or a local law enforcement agency of a political subdivision may not impose or collect, or enter into a contract for the collection of, an accident response service fee on or from:

(1) the driver of a motor vehicle; or

(2) any other person;

involved in a motor vehicle accident.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1274, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-29-11-1, AS AMENDED BY P.L.174-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (c), **and subject to subsection (d)**, the main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties, **or a person that contracts with the main department, an office, an agency, or another person under whose supervision a law enforcement officer carries on the law enforcement officer's duties**, may charge a fee that is fixed by ordinance of the fiscal body in an amount not less than five dollars (\$5) **and not more than eight dollars (\$8)** for each **copy of a report**.

(b) The fee collected under subsection (a) or (c) shall be deposited in the following manner:

(1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(2) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.

(c) **Subject to subsection (d)**, the superintendent of the state police department, **or a person that enters into a contract with the state police department**, may charge a fee in an amount that is not less than five dollars (\$5) **and not more than eight dollars (\$8)** for:

(1) each **copy of a report**; and

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(2) the ~~inspection and~~ copying of other report related data maintained by the department.

(d) A fee may not be charged under this section for the inspection of a report or other report related data. For purposes of this subsection, the inspection of a report includes the scanning of a report using a handheld or other personal scanning device."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1274 as introduced.)

TINCHER, Chair

Committee Vote: yeas 8, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1274, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "2007]" and insert "2010]".

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 9-29-11-1, as amended by this act, the provisions of IC 9-29-11-1, as amended by this act, apply only to a contract entered into or modified after June 30, 2010.

(b) This SECTION expires December 31, 2010."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1274 as printed February 9, 2007.)

WYSS, Chairperson

Committee Vote: Yeas 11, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Drozda be added as cosponsor of Engrossed House Bill 1274.

BRAY

SENATE MOTION

Madam President: I move that Engrossed House Bill 1274 be amended to read as follows:

Page 1, line 3, delete "2010]" and insert "2007]".

Page 1, line 3, delete "and".

Page 1, line 4, delete "subject to subsection (d),".

Page 1, line 6, delete ", or a person that contracts".

Page 1, delete lines 7 through 8.

Page 1, line 9, delete "law enforcement officer's duties,".

Page 1, line 11, delete "and not more than eight dollars (\$8)".

Page 1, line 11, delete "copy of a".

Page 2, line 13, delete "Subject to subsection (d),".

Page 2, line 13, strike "the superintendent of the state police".

Page 2, line 14, strike "department,".

Page 2, line 14, delete "or a person that enters into a contract with the state".

Page 2, line 15, delete "police department,".

Page 2, line 15, strike "may charge a fee in an amount that is not less than".

Page 2, line 16, strike "five dollars (\$5)".

Page 2, line 16, delete "and not more than eight dollars (\$8)".

Page 2, line 16, strike "for:".

Page 2, line 17, strike "(1) each".

Page 2, line 17, delete "copy of a".

Page 2, line 17, strike "report; and".

Page 2, line 18, strike "(2) the".

Page 2, line 18, strike "copying of other report related data".

Page 2, strike line 19 and insert **"The superintendent of the state police department shall biennially tabulate and analyze the costs associated with the state police department maintaining a vehicle crash records system as compared with the costs associated with contracting with a private vendor to provide a vehicle crash records system. The superintendent shall publish the analysis and tabulation in the form of a report. The state police department**

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shall:

- (1) publish the report biennially beginning on January 30, 2008;
- (2) provide a copy of the report to the legislative council; and
- (3) make the report available to the public.

The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) If, based on the report described in subsection (c), the superintendent determines that the accident report fee must be raised in order to:

- (1) maintain or renew a contract providing for a vehicle crash records system; or
- (2) enable the department to maintain and staff a vehicle crash records system;

the superintendent may adopt rules under IC 4-22-2 to increase the accident report fee."

Page 2, delete lines 20 through 23.

Page 3, delete lines 2 through 6.

(Reference is to EHB 1274 as printed March 30, 2007.)

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